

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

SEVERINO OSUNA	§	
VS.	§	CIVIL ACTION NO. 1:17cv247
L. LARA	§	

MEMORANDUM OPINION AND ORDER

Petitioner Severino Osuna, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Magistrate Judge recommended the action be dismissed. No objections were filed by the parties. Accordingly, the report and recommendation was adopted, and the above-styled action was dismissed on April 25, 2018.

Petitioner has filed a motion to amend judgment (docket entry no. 6). In his motion, petitioner asserts he did not receive a copy of the report and recommendation and was, therefore, denied the opportunity to object to the report. This memorandum opinion and order considers such motion.

ANALYSIS

Petitioner's motion was filed within 28 days from the date of the final judgment. Accordingly, the motion will be considered under Rule 59 of the Federal Rules of Civil Procedure.

FED. R. CIV. P. 59 provides in pertinent part the following:

**(a)(1) *Grounds for New Trial.*** The court may, on motion, grant a new trial on all or some of the issues - and to any party - as follows:

- (A) after a jury trial, for any of reason for which a new trial has heretofore been granted in an action at law in federal court; or
- (B) after a nonjury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.

**(2) Further Action After a Nonjury Trial.** After a nonjury trial the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

**(b) Time to File a Motion for a New Trial.** A motion for a new trial must be filed no later than 28 days after the entry of judgment.

**(e) Motion to Alter or Amend Judgment.** A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

After careful consideration, the court has determined that the circumstances surrounding this case warrant reconsideration of the court's final judgment so petitioner may have an opportunity to file his objections for consideration by the court. The court will provide petitioner an additional twenty days from the date of this order in which to file his objections, if any.

### **O R D E R**

For the reasons set forth above, petitioner's motion for reconsideration should be granted. Accordingly, it is

**ORDERED** that petitioner's motion for reconsideration is **GRANTED**. It is therefore

**ORDERED** that petitioner is **GRANTED** an extension of twenty days from the date of this order in which to file his objections, if any, to the report and recommendations of the magistrate judge. It is further

**ORDERED** that the Clerk of Court is **DIRECTED** to forward to petitioner a copy of the report and recommendation of the magistrate judge (docket entry no. 2) along with his copy of this order.

**SIGNED** this the **8** day of **March, 2019**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge